

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
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Western District of Kentucky

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United States Court of Appeals
Eighth Circuit

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United States District Court
Western District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

DIRECT REPLY TO:

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March 2, 2009

Mark Alan Lavine, Esq.
United States Attorney's Office
99 N.E. 4th Street
Miami, FL 33132

Re: MDL No. 1456 -- IN RE: Pharmaceutical Industry Average Wholesale Price Litigation

United States of America, et al. v. Bristol-Myers Squibb Co., et al., S.D. Florida,
C.A. No. 1:95-1354 (Judge Alan S. Gold)

United States of America, etc. v. Schering Corp., et al., S.D. Florida,
C.A. No. 4:09-10003 (Judge James Lawrence King)

Motion and Brief Due on or before: March 17, 2009

Dear Counsel:

We have received and filed your Notice of Opposition to the proposed transfer of the referenced matter for coordinated or consolidated pretrial proceedings. In accordance with Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order is stayed until further order of the Panel. You must adhere to the following filing requirements:

- 1) **Your Motion and Brief to Vacate the Conditional Transfer Order must be received in the Panel office by the due date listed above. An ORIGINAL and FOUR copies of all pleadings, as well as a COMPUTER GENERATED DISK of the pleading in Adobe Acrobat (PDF) format, are currently required for filing. Fax transmission of your motion and brief will not be accepted. See Panel Rule 5.12(d). Counsel filing oppositions in more than one action are encouraged to consider filing a single motion and brief with an attached schedule of actions.**
- 2) **Papers must be served on the enclosed Panel Service List. Please attach a copy of this list to your certificate of service. (Counsel who have subsequently made appearances in your action should be added to your certificate of service).**

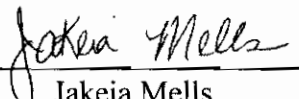
- 2 -

- 3) **Rule 5.3 corporate disclosure statements are due within 11 days of the filing of the motion to vacate.**
- 4) **Failure to file and serve the required motion and brief within the allotted 15 days will be considered a withdrawal of the opposition and the stay of the conditional transfer order will be lifted.**

Any recent official change in the status of a referenced matter should be brought to the attention of the clerk's office as soon as possible by facsimile at (202) 502-2888. Your cooperation would be appreciated.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Jakeia Mells
Deputy Clerk

Enclosure

cc: Panel Service List
Transferee Judge: Judge Patti B. Saris
Transferor Judges: Judge Alan S. Gold; Judge James Lawrence King

JPML Form 37

**IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION**

MDL No. 1456

PANEL SERVICE LIST (CTO-43)

United States of America, et al. v. Bristol-Myers Squibb Co., et al., S.D. Florida,
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